

*Guidance for submitting*

**Bid Documents**

*for*

State Revolving Fund projects

Because the State Revolving Fund (SRF) program is receiving federal assistance during the "start-up" phase, projects receiving loans with funds made available by federal capitalization grants must meet certain federal "cross cutting" authorities (laws and executive orders). Some of these authorities are applicable to construction contracts and require certain actions by contractors and subcontractors. When bids are received for any construction contract that will be funded wholly or partially through the SRF, bid documents must be submitted to the Department of Environmental Quality (DEQ) for review. The DEQ will review the bid documents to verify that all applicable program requirements have been met. The DEQ must provide written authorization to award the contract before any payments will be made from SRF funds.

The following documents must be submitted:

1. A transmittal letter from the loan recipient. The letter must state the date bids were opened and the date that the bid award period ends.
2. A statement from a newspaper in the local area certifying: that the advertisement for bids was published at least 25 days before the bid opening date; that it was published at least once a week for three different weeks; and that the first publication of the advertisement was not on a Saturday, Sunday, or legal holiday.
3. A tabulation of bids showing the unit prices, extensions, and total bid for **all** bidders.
4. A site certificate **without exception**, if not previously submitted.
5. A statement signed by the consulting engineer recommending award of the contract.

*For the successful bidder/proposed contractor only:*

6. A copy of the Bid Proposal showing the itemized cost breakdown.
7. An acknowledgment of the receipt of any addenda issued.

8. An executed certificate regarding the Equal Opportunity Clause (RF-211).
9. An executed certificate of Non-segregated Facilities (RF-212).
10. An executed EPA Form 5700-49 certificate regarding debarment.
11. The name of the surety company/companies that will underwrite the performance and payment bonds for the contractor. The surety company/companies utilized must be on the most current version of the U.S. Treasury Department's listing of approved sureties, Circular 570. The latest version of this circular can be found on the Internet at [www.fms.treas.gov/index.html](http://www.fms.treas.gov/index.html) under "Publications."
12. Completed copy of RF-245 - Utilization of Women/Minority Contractor Information Sheet.
13. Completed copies of RF-248 - Letter of Intent to use Minority/Women contractor.
14. Documentation of efforts by the successful bidder to follow the six (6) affirmative action steps listed in the attachment.

*For the loan recipient:*

15. Completed copy of RF-373 - MBE/WBE Certification

The prime contractor must obtain an executed EPA Form 5700-49 from each subcontractor and supplier used. These need not be submitted to DEQ but must be retained in the contractor's files and available for inspection.

## **EXPLANATION OF AFFIRMATIVE ACTION STEPS**

It is a Federal requirement that all procurement made with Federal funds utilize six (6) affirmative action steps to utilize small business enterprises (SBE's), minority business enterprises (MBE's), women's business enterprises (WBE's), and small businesses in rural areas (SBRA's) in the areas of construction, services, equipment, and supplies. These six steps are as follows:

1. Include MBE's, WBE's, SBE's, and SBRA's on solicitation lists;
2. Assure that MBE's, WBE's, SBE's, and SBRA's, once they are identified, are solicited whenever they are potential sources;
3. When economically feasible, divide total requirements into smaller tasks or quantities to permit maximum participation by MBE's, WBE's, SBE's, and SBRA's;
4. Where feasible, establish delivery schedules which encourage participation by MBE's, WBE's, SBE's, and SBRA's;
5. Using the services and assistance of the U.S Department of Commerce's Minority Business Development Agency (MBDA) and the Small Business Administration (SBA); and
6. Requiring the prime contractor to take the affirmative steps outlined here. If the successful bidder does not plan to award subcontracts, these steps should still be taken in procuring equipment and supplies.

Step number five (5) is not mandatory if other sources to identify MBE's, WBE's, SBE's, and SBRA's are utilized. However, the use of these resources is encouraged. There are several online databases that list qualifying firms, some of which may be identified as disadvantaged business enterprises (DBE) rather than MBE, WBE, SBE, or SBRA firms.

One of these databases is the PRO-Net database which can be accessed by typing [www.sba.gov](http://www.sba.gov) to reach the SBA WebPage. The PRO-Net database allows you to conduct a search for firms based on a number of criteria such as locality, SIC codes, bonding capability, etc. This database also allows you to locate firms that have been certified through the 8(a) program which certifies that the company has at least 2 years experience, has adequate financing and bonding to perform, and has references from previous jobs. If you do not have Internet access you can contact the New Orleans office of the SBA at (504) 589-2847

The MBDA also maintains a database which can be accessed by typing [www.mbda.gov](http://www.mbda.gov) to reach their opportunity database. Information you submit to this database about the job you have for MBE/WBE participation will be compared with information in the Phoenix database of minority companies. When a match is made, the eligible minority companies will receive a copy of your opportunity by email and/or fax and you will receive (via email or fax) a list of the minority companies to which your opportunity has been referred. The phone number for the MBDA is (214) 767-8001.

The Louisiana Department of Transportation and Development (DOTD) also has an online list of DBE firms that have been certified by DOTD. Typing [www.dotd.state.la.us/cgi-bin/construction.cgi](http://www.dotd.state.la.us/cgi-bin/construction.cgi) will take you to the site where you can select the most current list of DBE firms. The phone number for DOTD is (225) 379-1382.

The successful bidder must provide documentation to demonstrate that the affirmative action steps were pursued. In addition to the use of forms RF-245 and RF 248, documentation might include records of telephone calls, records of utilization of the MBDA and SBA Web sites, and relevant correspondence. Where MBE's, WBE's, SBE's, and/or SBRA's are contacted but not utilized, an explanation as to why each one contacted was not utilized should be provided.